

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 1374 of 2004

Between:

P.R.C. Reddy, S/o. Madhava Reddy, Hindu,
Terminated Employee of VST Industries Ltd. R/o.
H.No. 3-2-5/31, Motilal Nehru Nagar,
Behind Kumar Theatre, Kachiguda, Hyderabad - 500 027.

..... PETITIONER

AND

- 1 M/s. VST Industries Ltd. Azamabad, Hyderabad
rep by its Managing Director
- 2 Mr. Milan Vahi, Trade Marketing and Distribution Manager,
VST Industries Ltd. Azamabad, Hyderabad
- 3 Labour Court-1, A.P. Chandra Vihar, M.J. Road, Hyderabad

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ of Ceritiorari, or any other appropriate writ, order or direction, quashing the Award dated 1-10-2003 passed in I.D. No. 116 of 2003 vide G.O.Rt. No. 2134

Labour, Employment, Training and Factories (LAB-I) Department, dated 7-11-2003 on the file of the Labour Court - I, AP Hyderabad by calling Records from R-3.

Counsel for the Petitioner: MR.T.P.ACHARYA

Counsel for the Respondent No.1: MR.M.RADHAKRISHNA MURTHY

Counsel for the Respondent No.2: NONE APPEARED

Counsel for the Respondent No.3: GP FOR LABOUR

The Court made the following:

ORDER

Heard Sri T.P.Acharya, learned counsel appearing for the petitioner.

The petitioner who is an employee of the respondents 1 and 2 filed this Writ Petition *inter alia* seeking to assail the award passed in I.D.No.116 of 2003 on the file of the 3rd respondent as published in Gazette vide G.O.Rt.No.2134, Labour Employment Training and Factories (LAB-1) department, dated 07-11-2003 as illegal.

The case of the petitioner is that he was in service with the respondents herein and he was sought to be removed from service, whereupon, he raised a dispute under Section 2-A (2) of the Industrial Disputes Act, 1947 and ultimately the order under challenge has been passed without going into the merits nor without giving any reason. It is also pointed out that either side has produced any evidence nor any Enquiry Officer has given any finding.

The learned counsel for the petitioner sought to place reliance on a Judgment reported in ***General Manager Area-I, R.G. Division, Singareni Collieries Company Limited, Godavarikhani, Karimnagar District v Presiding Officer, Industrial Tribunal-I, Hyderabad*** wherein this Court held that:

“ The Industrial Tribunals/Labour Courts cannot dispose of any *lis*

between the workmen and the management solely basing upon the pleadings. Such a course is not permissible in law. *Lis* has to be adjudicated with reference to the evidence to be let in by the parties.”

Before considering the question, it is necessary to note the award as passed by the Labour Court which reads as follows:

“This is an application filed under Section 2-A (2) of the I.D. Act by the petitioner herein praying the Court to direct the respondent to continue the petitioner in service by setting aside the proceedings No. SCY/SEC/A/C(DPR)846, dated 21-7-2003 of the 1st respondent with full back wages and other attendant benefits and reinstate from 24-7-2003 and also to declare the action of the respondent in obtaining the resignation letter dated 9-7-2003 by force under coercion as arbitrary, illegal, unfair and in violative of principles of nature justice.

Petitioner called absent no representation. Respondent counsel present. This Court has already given findings in IA 293 of 2003 stating that this Court has no jurisdiction to entertain this matter in this Court. Hence the above I.D. is dismissed.”

Admittedly in this case no evidence has been produced from either side nor any reason has given in support of its finding. On the face of it, the matter requires re-consideration and fresh disposal on merits after taking evidence from both sides.

In view of the same, the Writ Petition is accordingly allowed and the impugned order is set aside. The matter is remitted back to the 3rd respondent for fresh disposal on merits in accordance with law after giving notice and opportunity to both sides. No costs.

17-02-2005.

Hsd

That Rule Nisi has been made absolute as above.

Witness, the Hon'ble Sri Devinder Gupta, the Chief Justice, on this Thursday, the Seventeenth day of February, 2005.

Asst. Registrar

To

1 The Managing Director, M/s. VST Industries Ltd.
Azamabad, Hyderabad

2 The Presiding Officer, Labour Court-1, A.P. Chandra Vihar,
M.J. Road, Hyderabad

3. 2 C.Cs to G.P. for Labour, High Court buildings, Hyderabad

(OUT)

4. 2 C.D. copies.